

# **EXHIBIT A**

Approved, SCAO	Original - Court 1st copy - Defendant	2nd copy - Plaintiff 3rd copy - Return
STATE OF MICHIGAN 9th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	Amended SUMMONS	CASE NO. 2022-0190-NO
Court address 150 E Crosstown Pkwy., Kalamazoo, MI 49001		Court telephone no. 269-383-8837
Plaintiff's name(s), address(es), and telephone no(s). DAVID ANSPAUGH		Defendant's name(s), address(es), and telephone no(s). MENARDS, INC, a foreign corporation
Plaintiff's attorney, bar no., address, and telephone no. BENJAMIN S. MANSON (P66187) 19068 W. Ten Mile Road Southfield, MI 48075 (248) 355-2048		Corporation Service Company 8040 Excelsior Dr., Ste. 400 Madison, Wisconsin, 53717-2915
<b>FILED</b> <b>May 23, 2022</b>		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in  this court,  \_\_\_\_\_ Court, where it was given case number 2022-0190-NO and assigned to Judge Alexander C. Lipsey.

The action  remains  is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

#### NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date April 15, 2022	Expiration date July 15, 2022	Court clerk <i>Conrad Lubur</i>
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

DAVID ANSPAUGH,

Plaintiff,

CASE NO. 2022-0190-NO

v.

HON. ALEXANDER C. LIPSEY

MENARDS, INC, a foreign corporation,

Defendant.

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MICHAEL J. ROTHSTEIN (P70240)

BENJAMIN S. MANSON (P66187)

ROTHSTEIN LAW GROUP PLC

Attorneys for Plaintiff

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[bsm@rothsteinlawgroup.com](mailto:bsm@rothsteinlawgroup.com)

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**FIRST AMENDED COMPLAINT AS OF RIGHT**

NOW COMES Plaintiff herein, DAVID ANSPAUGH, by and through his attorneys, ROTHSTEIN LAW GROUP PLC, and in support of his First Amended Complaint as of Right against Defendant, MENARDS, INC, shows unto this Honorable Court as follows:

**GENERAL ALLEGATIONS**

1. That Plaintiff, DAVID ANSPAUGH, is a resident of the Village of Paw Paw, County of Van Buren, State of Michigan.
2. That based upon information and belief, Defendant, MENARDS, INC, (hereinafter sometimes referred to as "MENARDS") is a Wisconsin corporation conducting business in Kalamazoo Michigan, whose resident agent is Corporation Service Company, 8040 Excelsior Dr., Ste. 400, Madison, Wisconsin, 53717-2915.

3. That this cause of action involves an incident that occurred on November 17, 2021, on the premises of MENARDS in the City of Kalamazoo, County of Kalamazoo, State of Michigan.

4. That the amount in controversy herein exceeds the sum of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, exclusive of interest, costs, and attorney fees.

**COUNT I – NEGLIGENCE/PREMISES LIABILITY**

5. Plaintiff herein reincorporates and realleges Paragraphs 1 through 4 of the General Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

6. That on or about November 17, 2021, Defendant MENARDS was the owner, operator, lessor, vendor and/or was otherwise in control and/or co-control of said property, complex, and premises, located in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and maintained same for the use of its patrons, business invitees, and other persons lawfully on the premises.

7. That on or about November 17, 2021, the Plaintiff, DAVID ANSPAUGH, was lawfully on the premises of MENARDS, and therefore, was a business invitee.

8. That the Plaintiff, DAVID ANSPAUGH, was exercising all due care and caution when he was leaving MENARDS when the sliding door malfunctioned and forcefully closed upon Plaintiff's body, causing Plaintiff to sustain injury on the premises owned, managed, leased or otherwise under the control of Defendant.

9. That at all times relevant and material hereto, it was the duty of the Defendant to provide and maintain a reasonably safe and fit property and premises for areas it permitted to be held open for the use and benefit of the public and all other persons lawfully on the premises.

10. That the Defendant breached its aforestated duties to provide and maintain a reasonably safe and fit property and premises when the sliding door on Defendant's premises forcefully closed on Plaintiff's body, causing Plaintiff to sustain injury.

11. That the Defendant breached its aforestated duties to provide and maintain a reasonably safe and fit property and premises.

12. That Defendant was negligent in, but not limited to, the following duties and particulars:

A. Failing to warn its patrons and invitees of the imminent harm posed by the defective door on its premises;

B. Failing to take reasonable precautions to prevent injuries such as incurred by the Plaintiff;

C. Failing to train and supervise its employees on the premises to ensure that the premises was safe for the public's use;

D. Failing to take reasonable precautions for the safety of persons lawfully on the premises when Defendant knew or should reasonably have known of the danger.

E. Failing to properly train, supervise, manage and/or instruct their employees, agents and/or representatives;

F. Creating a dangerous situation or contributing to the creation of a dangerous situation on the premises;

G. Committing other acts of negligence not yet known but which will be ascertained through the course of discovery in said litigation.

13. That in the happening of the aforestated incident, the Plaintiff was not negligent, but rather the Plaintiff's injuries were the sole, direct, and proximate result of the Defendant's

negligence and breaches of duties and/or the negligence and breaches of duties of its employees, staff, agents and/or representatives.

14. That as a direct and proximate result of the Defendant's negligence and/or the negligence of its employees, staff, agents and/or representatives, the Plaintiff, DAVID ANSPAUGH, suffered severe and disabling injuries.

15. That as a result of the said incident, the Plaintiff, DAVID ANSPAUGH, was made to suffer painful and debilitating injuries requiring medical treatment, including hospital treatment, physical rehabilitation therapy, and/or other medical treatment.

16. That as a result of the said incident, the Plaintiff, DAVID ANSPAUGH, suffered severe embarrassment, distress, discomfort, inconvenience, mental anguish, pain and suffering; and Plaintiff has incurred significant doctor bills, medical bills, and hospital bills and/or will continue to do so in the future.

17. That, additionally, the Plaintiff, DAVID ANSPAUGH, suffered significant loss of earnings and a permanent diminution of his earning capacity and that, because of the nature of said injuries, the Plaintiff will likely incur loss of wages or earnings in the future and the Plaintiff was and/or continues to be unable to participate in many of the activities of life in which he was able to indulge in prior to said injuries.

WHEREFORE, the Plaintiff prays for judgment in favor of Plaintiff and against the Defendant in whatever amount this Court deems Plaintiff is entitled, together with interest, costs, and reasonable attorney fees.

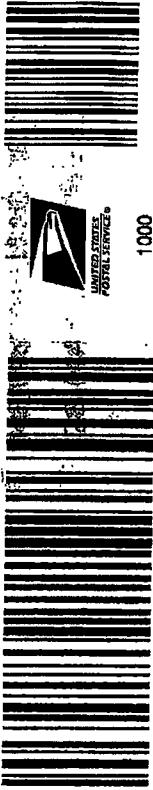
Respectfully submitted,  
**ROTHSTEIN LAW GROUP, PLC**

/s/ Benjamin S. Manson  
BENJAMIN S. MANSON (P66187)  
Attorney for Plaintiff

Dated: May 22, 2022

U.S. POSTAGE PAID  
FCM LGENY  
WARREN, MI  
48090  
MAY 28, 22  
AMOUNT

**\$8.56**  
R2304M11701-33



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**\*\*\*CERTIFIED MAIL\*\*  
RETURN RECEIPT REQUESTED**